

## State Water Resources Control Board

Division of Drinking Water

December 19, 2014

Water System No. 3500549

Mr. Oscar Inocencio, President  
Rosa Morada Mutual Water Company  
400 Morada Lane  
Hollister, CA 95023

Attention Mr. Inocencio:

**CITATION NO. 02-05-14C-015  
CITATION FOR NON-COMPLIANCE  
2013 CONSUMER CONFIDENCE REPORT AND CERTIFICATION FORM**

Enclosed is a Citation issued to the Rosa Morada Mutual Water Company (Rosa Morada MWC) public water system.

Rosa Morada MWC will be billed at the State Water Resources Control Board Division of Drinking Water's (Division) hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including, but not limited to, preparing, issuing, and monitoring compliance with a citation. At this time, the Division has spent approximately 2 hours on enforcement activities associated with this violation.

Rosa Morada MWC will receive a bill sent from our Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on Rosa Morada MWC for the current fiscal year.

If you have questions regarding this matter, please contact Lora Lyons at (831) 655-6942 or me at (831) 655-6934.

Sincerely,



Jan R. Sweigert, P.E.  
District Engineer, Monterey District Office  
Northern California Field Operations Branch  
Drinking Water Program

Enclosures

Certified Mail No. 7008-1830-0004-5435-0646

cc: San Benito County Environmental Health Department, Mr. John Maddock

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**TO:** Rosa Morada Mutual Water Company  
400 Morada Lane  
Hollister, CA. 95023

**Attn:** Mr. Oscar Inocencio  
President  
Rosa Morada Mutual Water Company  
400 Morada Lane  
Hollister, CA. 95023

**CITATION FOR NON-COMPLIANCE**

**2013 CONSUMER CONFIDENCE REPORT AND CERTIFICATION FORM**

**WATER SYSTEM NO.3500549**

**CITATION NO. 02-05-14C-015**

**Issued on December 19, 2014**

Section 116650 of the California Health and Safety Code (H & S Code) authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit, citation, or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues a citation to the Rosa Morada Mutual Water Company (hereinafter,

1 Rosa Morada MWC) for failure to comply with Section 116470, of the California H & S  
2 Code, and Sections 64480(a) and 64483(c), Chapter 15, Title 22, of the California  
3 Code of Regulations (CCR).

#### 4 5 **APPLICABLE AUTHORITIES**

##### 6 **Section 116650 of the California H & S Code provides:**

7 (a) If the department determines that a public water system is in violation  
8 of this chapter or any regulation, permit, standard, citation, or order issued or adopted  
9 thereunder, the department may issue a citation to the public water system. The  
10 citation shall be served upon the public water system personally or by certified mail.  
11 Service shall be deemed effective as of the date of personal service or the date of  
12 receipt of the certified mail. If a person to whom a citation is directed refuses to accept  
13 delivery of the certified mail, the date of service shall be deemed to be the date of  
14 mailing.

15 (b) Each citation shall be in writing and shall describe the nature of the  
16 violation or violations, including a reference to the statutory provision, standard, order,  
17 citation, permit, or regulation alleged to have been violated.

18 (c) A citation may specify a date for elimination or correction of the  
19 condition constituting the violation.

20 (d) A citation may include the assessment of a penalty as specified in  
21 subdivision (e).

22 (e) The department may assess a penalty in an amount not to exceed  
23 one thousand dollars (\$1,000) per day for each day that a violation occurred, and for  
24 each day that a violation continues to occur. A separate penalty may be assessed for  
25 each violation.



1 **Section 116470(a) of the California H & S Code, provides in relevant part:**

2 (a) As a condition of its operating permit, every public water system shall  
3 annually prepare a consumer confidence report and mail or deliver a copy of that  
4 report to each customer.

5  
6 **CCR, Title 22, Section 64480(a) provides, in relevant part:**

7 (a) Each community and nontransient noncommunity water system shall  
8 prepare and deliver a Consumer Confidence Report to each customer by July 1,  
9 annually.

10  
11 **CCR, Title 22, Section 64483(c) provides:**

12 (c) No later than the date the water system is required to distribute the  
13 Consumer Confidence Report to its customers, each water system shall mail a copy of  
14 the report to the Department, followed within 3 months by a certification that the report  
15 has been distributed to customers, and that the information is correct and consistent  
16 with the compliance monitoring data previously submitted to the Department.

17  
18 The Consumer Confidence Report is to provide, as a minimum, specific information on  
19 concentrations of microbiological contaminants, minerals, physical agents, inorganic  
20 chemicals, organic chemicals, and radioactivity which are present in the water supply.

21  
22 **STATEMENT OF FACTS**

23 The Rosa Morada MWC is classified as a community water system with 22 service  
24 connections serving a population of 60.

1 By email on November 14, 2014 the Division sent a reminder to the Rosa Morada  
2 MWC, establishing a deadline of November 21, 2014 for submittal of the 2013  
3 Consumer Confidence Report and 2013 Certification form to the Division.

#### 4 5 **DETERMINATION**

6 The Division has determined that Rosa Morada MWC failed to comply with Section  
7 116470(a) of the California H & S Code, and Sections 64480(a), and 64483(3),  
8 Chapter 15, Title 22, CCR.

9  
10 As of the date of this Citation, the Division has not received a copy of the 2013  
11 Consumer Confidence Report and 2013 Certification Form and therefore finds the  
12 Rosa Morada MWC to be in violation of this requirement.

#### 13 14 **DIRECTIVES**

15 Rosa Morada MWC is hereby directed to take the following actions:

- 16
- 17 1. Forthwith, Rosa Morada MWC shall cease and desist from failing to comply with  
18 Sections 64480(a), and 64483(c), Chapter 15, Title 22, CCR.
  - 19
  - 20 2. By **January 30, 2015**, the Rosa Morada MWC shall distribute a Division-approved  
21 Consumer Confidence Report to each customer reporting the water quality for the  
22 year 2013. The 2013 Consumer Confidence Report must be submitted  
23 electronically to the Division using the DRINC Portal ([www.drinc.ca.gov](http://www.drinc.ca.gov)). The  
24 Certification Form (Attachment A) must be submitted in hardcopy format to the  
25 Division by **January 30, 2015**. Instructions and Consumer Confidence Report and

1 Certification Form templates developed by the Division for small water systems  
2 may be accessed on the Division's internet website at:

3  
4 [http://www.swrcb.ca.gov/drinking\\_water/certlic/drinkingwater/CCR.shtml](http://www.swrcb.ca.gov/drinking_water/certlic/drinkingwater/CCR.shtml)  
5

- 6 3. The Rosa Morada MWC shall distribute a Consumer Confidence Report to each  
7 customer by **July 1<sup>st</sup>, 2015**, reporting the water quality information for the prior  
8 year. A copy shall be provided to the Division electronically by **July 1, 2015**.  
9 Proof of distribution using the Certification form provided on the Division's website  
10 must be submitted to the Division in hard copy by **October 1, 2015**. Thereafter,  
11 the Consumer Confidence Report shall be submitted to each customer and a copy  
12 provided to the Division by July 1 annually, followed by submittal of proof of  
13 distribution to the Division by October 1 of the same year.  
14

15 All submittals required by this Citation shall be submitted to the Division at the  
16 following address:

17  
18 Jan Sweigert, P.E.  
19 District Engineer, Monterey District  
20 State Water Resources Control Board  
21 Division of Drinking Water  
22 1 Lower Ragsdale, Building 1, Suite 120  
23 Monterey, CA 93940  
24

25 **PARTIES BOUND**

26 This Citation shall apply to and be binding upon Rosa Morada MWC, its officers,  
27 directors, shareholders, agents, employees, contractors, successors, and assignees.  
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**SEVERABILITY**

The Directives of this Citation are severable, and Rosa Morada MWC shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with or violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

12/19/2014  
Date

Jan Sweigert  
Jan Sweigert, P.E.  
District Engineer, Monterey District  
State Water Resources Control Board  
Division of Drinking Water



Attachments:

- 1. Consumer Confidence Report Certification Form

cc: San Benito County Department of Environmental Health, Mr. John Maddock

## Consumer Confidence Report Certification Form

Water System Name: \_\_\_\_\_

Water System Number: \_\_\_\_\_

The water system named above hereby certifies that its Consumer Confidence Report was distributed on \_\_\_\_\_ (date) to customers (and appropriate notices of availability have been given). Further, the system certifies that the information contained in the report is correct and consistent with the compliance monitoring data previously submitted to the Department of Public Health.

Certified by:      Name: \_\_\_\_\_  
                          Signature: \_\_\_\_\_  
                          Title: \_\_\_\_\_  
                          Phone Number: (      ) \_\_\_\_\_ Date: \_\_\_\_\_

*To summarize report delivery used and good-faith efforts taken, please complete the below by checking all items that apply and fill-in where appropriate:*

- ☐ CCR was distributed by mail or other direct delivery methods. Specify other direct delivery methods used: \_\_\_\_\_
- ☐ "Good faith" efforts were used to reach non-bill paying consumers. Those efforts included the following methods:
- ☐ Posting the CCR on the Internet at www. \_\_\_\_\_
  - ☐ Mailing the CCR to postal patrons within the service area (attach zip codes used)
  - ☐ Advertising the availability of the CCR in news media (attach copy of press release)
  - ☐ Publication of the CCR in a local newspaper of general circulation (attach a copy of the published notice, including name of newspaper and date published)
  - ☐ Posted the CCR in public places (attach a list of locations)
  - ☐ Delivery of multiple copies of CCR to single-billed addresses serving several persons, such as apartments, businesses, and schools
  - ☐ Delivery to community organizations (attach a list of organizations)
- ☐ *For systems serving at least 100,000 persons:* Posted CCR on a publicly-accessible internet site at the following address: www. \_\_\_\_\_
- ☐ *For privately-owned utilities:* Delivered the CCR to the California Public Utilities Commission